

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL JAMES RYLES,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTION, et al.,

Defendants.

No. 1:21-cv-00064-NONE-JLT (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION

(Doc. No. 7)

Clerk of the Court to close the case.

Plaintiff Michael James Ryles is a state prisoner proceeding pro se and in forma pauperis in this civil rights action under 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 30, 2021, the assigned magistrate judge issued findings and recommendations recommending that the action be dismissed due to plaintiff's failure to state a claim upon which relief can be granted. (Doc. No. 10.) In particular, the magistrate judge found the following: plaintiff was not entitled to compassionate release¹; claims against defendants California Department of Correction and Rehabilitation and the Substance Abuse Treatment

¹ Nothing in this order should be construed to suggest that the federal compassionate release statute, 18 U.S.C. § 3582(c)(1)(A), applies to plaintiff, who is serving a sentence imposed under state law.

1 Facility at Corcoran State Prison are barred under Eleventh Amendment immunity;² the
2 complaint lacks sufficient allegations against the warden; and plaintiff may not seek damages for
3 mental or emotional injury absent a prior showing of physical injury. *Id.*

4 The findings and recommendations were served on plaintiff and provided him fourteen
5 (14) days to file objections thereto. Plaintiff has not filed any objections, and the time do so has
6 passed.

7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
8 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings
9 and recommendations to be supported by the record and proper analysis. The only forms of relief
10 requested (release from custody and damages for mental or emotional injury) are unavailable to
11 plaintiff under § 1983.

12 Accordingly,


13 1. The findings and recommendations issued on November 30, 2021, (Doc. No. 7), are
14 adopted in full;

15 2. This action is dismissed without prejudice due to plaintiff's failure to state a claim; and

16 3. The Clerk of the Court is directed to assign a district judge to this case for the purposes
17 of closure and then to close this case.

18 IT IS SO ORDERED.

19 Dated: **December 27, 2021**

20 
UNITED STATES DISTRICT JUDGE

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26 ² In the discussion, section III(C) is labeled as "Qualified Immunity" and appears to be a
27 scrivener's error. Qualified immunity "is a defense available only to government officials sued in
28 their individual capacities. It is *not* available to those sued only in their official capacities." *Cnty. House, Inc. v. City of Boise*, 623 F.3d 945, 965 (9th Cir. 2010). Section III(C) would have
been more appropriately styled as addressing "Eleventh Circuit Immunity." Because this error is
non-substantive, the court nonetheless adopts this ² portion of the findings and recommendations.